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September 13, 2010

By ECF

The Honorable Sterling Johnson, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Brian McNamee v. Roger Clemens*, 09-cv-01647(SJ)(CLP)

Dear Judge Johnson:

We represent plaintiff Brian McNamee in the above-referenced action and write to provide citations for the cases we mentioned during oral argument on September 8. As detailed during the discussion about this Court's assertion of specific jurisdiction pursuant to CPLR 302(a)(1), because the "transaction of business" requirement under CPLR 302(a)(1) is not limited to the execution of contracts, the fact that the underlying contract may have dealt—in part—with illegal matters is wholly irrelevant to the jurisdictional analysis: *Madden v. International Ass'n of Heat*, 889 F.Supp. 707, 710 (S.D.N.Y. 1995) (citing cases and defining the transaction of business "to encompass more than profit-seeking activities" and include "some purposeful activity in this State in connection with the matter in suit"); *Cohen v. Haberkorn*, 30 A.D.2d 530, 530 (1968) (CPLR 302(a)(1) jurisdiction where patient entered New York to receive medical treatment).

Thank you very much for your consideration.

Very truly yours,

_____/s/_____
Richard Emery
Debra Greenberger

C: Joe Roden, counsel for defendant, via ECF
Evan Glassman, counsel for defendant, via ECF